

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MAUREEN HARRINGTON
as personal representative for the estate of
BLAINE HARRINGTON III,

Plaintiff,

v.

1:22-cv-00451-KG-LF

HERMOSILLO & NUNEZ
OF NEW MEXICO, LLC,

Defendant.¹

ORDER ON MOTION

THIS MATTER comes before the Court on defendant Hermosillo & Nunez of New Mexico, LLC's ("H&N") Motion to Compel filed on July 25, 2023. Doc. 32. Plaintiff Maureen Harrington filed her response on August 8, 2023. Doc. 33. H&N filed its reply on August 18, 2023, and a notice of completion of briefing on August 22, 2023. Docs. 34, 36. On November 20, 2023, the Court held a hearing on the motion. Doc. 42. Having read the submissions of the parties and heard the argument of counsel and being fully advised, and for the reasons stated at the hearing, the Court GRANTS the motion in part and DENIES the motion in part.

IT IS THEREFORE ORDERED that:

1. Interrogatory No. 22 is modified as follows: "Identify any Take Down notices you have issued pursuant to 17 U.S.C. § 512(c) since January 1, 2017, directed to a host of a website in which you identify a photograph in which you claim to own a copyright and direct that the photo be removed from the website. With respect to such takedown notice, identify the web host by its name and URL; the particular photograph; and the date and substance of any action taken by the host."

#

¹ See Docket for full caption.

2. The Court sustains Ms. Harrington's objection that documents and information after January 28, 2022, is not relevant and is overburdensome. Therefore Ms. Harrington is required to respond to revised Interrogatory No. 22 through January 28, 2022. Further, Ms. Harrington is not required to produce any further documents in response to Requests for Production Nos. 6 and 10.
3. Ms. Harrington will provide a response to revised Interrogatory No. 22 no later than December 4, 2023.
4. The Court denies H&M's request for attorney's fees because Ms. Harrington's objections were substantially justified. *See* FED. R. CIV. P. 37(a)(5)(ii).


Laura Fashing
United States Magistrate Judge